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NONPRECEDENTIAL

Paper No. 123

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

IAN GARNER, MICHAEL L. DALRYMPLE, DONNA E. PRUNKARD, AND DONALD C. FOSTER
(5,639,940),

and

DONNA E. PRUNKARD AND DONALD C. FOSTER
(09/232,488)
Junior Party,

v.

WILLIAM H. VELANDER, WILLIAM N. DROHAN, HENRYK LUBOŃ, AND JOHN L. JOHNSON
(DECEASED)
(08/443,184),
Senior Party.

Patent Interference No. 104,242

NOTICE REDECLARING INTERFERENCE
(37 CFR § 1.640(b)(1))

FAXED

JAN 15 2002

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Part A. Redeclaration of interference

Interference 104,242 is redeclared to reflect the decision on motions (Paper No. 110) adding Garner's reissue application. This redeclaration is a housekeeping detail and does not change the status of the interference. Details of the application, patent, reissue application, count, and claims designated as corresponding to the count appear in Parts E and F of this NOTICE REDECLARING INTERFERENCE.

As a consequence of this redeclaration, a copy of the decision on motions and the decision on reconsideration shall be added to Garner's 09/232,488 application file.

Part B. Administrative patent judge assigned to administer the interference

No change.

Part C. Standing order

No change.

Part D. Conference call to set dates

Not applicable.

Part E. The parties to this interference

Junior Party

Inventors: Ian Garner, Michael L. Dalrymple, Donna E. Prunkard, and Donald C. Foster

Patent: 5,639,940

Inventors: Donna E. Prunkard and Donald C. Foster

Application: 09/232,488

Attorneys: See last page

Address: See last page

Senior Party

Inventors: William H. Velander, William N. Drohan, Henryk Luboń, and John L. Johnson (Deceased)

Application: 08/443,184

Attorneys: See last page

Address: See last page

Part F. Count and claims of the parties

Count 1

A method for producing biocompetent fibrinogen comprising:
providing a transgenic female non-human mammal carrying in its germline heterologous DNA segments encoding A α , B β , and γ chains of fibrinogen, wherein said segments are expressed in a mammary gland of said mammal and biocompetent fibrinogen encoded by said segments is secreted into milk of said mammal;

collecting milk from said mammal; and
recovering said biocompetent fibrinogen from said milk.

OR

A transgenic non-human female mammal that produces recoverable amounts of biocompetent human fibrinogen in its milk, wherein said mammal comprises:

a first DNA segment encoding a secretion signal operably linked to a heterologous fibrinogen A α chain,
a second DNA segment encoding a secretion signal operably linked to a heterologous fibrinogen B β chain, and
a third DNA segment encoding a secretion signal operably linked to a heterologous fibrinogen γ chain, and
further wherein each chain is derived from the same species and is operably linked to additional DNA segments required for its expression in the mammary gland of a host female mammal.

OR

A non-human mammal carrying in its germline DNA segments encoding A α , B β , and γ chains of fibrinogen, wherein female progeny of said mammal express said DNA segments in a mammary gland to produce biocompetent fibrinogen.

The claims corresponding to Count 1:

Garner 940: 1-33

Garner 488: 1-34

Velander: 64-73¹

Part G. Heading to be used on papers

Moot.

¹ The decision on motions (Paper No. 110) contains a recommendation regarding Velander's claims 74-101.

Part H. Summary of dates for taking action

No change. Time for seeking judicial review continues to run from the date of the decision on reconsideration (Paper No. 122).

Part I. Order form for requesting file copies

Moot.

Part J. Signature and enclosures


RICHARD TORCZON
Administrative Patent Judge

cc (via facsimile):

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Notice: Any agreement or understanding between parties to this interference, including any collateral agreements referred to therein, made in connection with or in contemplation of the termination of the interference, shall be in writing and a true copy thereof filed in the United States Patent and Trademark Office before termination of the interference as between said parties to the agreement or understanding. 35 U.S.C. 135(c); 37 C.F.R. § 1.661.

INTERFERENCE DIGEST

Interference No. 104,242

Paper No. 6

Name: Donna E. Prunkard et al.

Serial No.: 09/232,488

Patent No. 5,639,940, granted 06/17/97

Title: PRODUCTION OF FIBRINOGEN IN TRANSGENIC ANIMALS

Filed: 03/03/94

Interference with Garner et al. V. Velandar et al.

DECISION ON MOTIONS

Administrative Patent Judge, _____ Dated, _____

FINAL DECISION

Board of Patent Appeals and Interferences, _____ Dated, _____

Court, _____ Dated, _____

REMARKS

This should be placed in each application or patent involved in interference in addition to the interference letters.